United Nations S/2011/410

Security Council

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The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 20 May 2011 (S/2011/329), attaching a letter from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 5 May 2011,

Recalling its resolution 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

Recalling also its resolution 1966 (2010) of 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism") and requesting the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

Recalling further that the branch of the Mechanism for the International Criminal Tribunal for Rwanda shall commence functioning on 1 July 2012,

Taking note of the assessments by the International Tribunal in its Completion Strategy Report (S/2011/317),

Noting that, upon the completion of the cases to which they are assigned, four permanent judges will be redeployed from the Trial Chambers to the Appeals Chamber and two permanent judges will leave the International Tribunal,

Noting the concerns expressed by the President and Prosecutor of the International Tribunal about staffing, and *reaffirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Urging the International Tribunal to take all possible measures to complete its work expeditiously as requested in resolution 1966 (2010),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that, notwithstanding article 13, paragraph 1, and article 12 *quater*, paragraph 2 (a), of the Statute of the International Tribunal, *ad litem* judges may be eligible for election as, and may vote in the election of, the President of the International Tribunal;

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2. *Decides* in this regard that, notwithstanding article 12 *quater*, paragraph 2, of the Statute of the International Tribunal, an *ad litem* judge elected as President of the International Tribunal may exercise the same powers as a permanent judge, which will not alter his or her status or give rise to any additional allowances or benefits other than those which already exist, and will effect no changes of the current terms and conditions of service as an *ad litem* judge;

3. *Decides* that, notwithstanding article 12 *quater*, paragraph 2, of the Statute of the International Tribunal, an *ad litem* judge elected as Vice President of the International Tribunal may act as President when required to do so by under the Statute or the Rules of Procedure and Evidence, which will not alter his or her status or give rise to any additional allowances or benefits other than those which already exist, and will effect no changes of the current terms and conditions of service as an *ad litem* judge;

4. *Decides*, in light of the exceptional circumstances, that notwithstanding article 12 *bis*, paragraph 3, of the Statute of the International Tribunal, Judge Dennis Byron may work part-time and engage in another judicial occupation from 1 September 2011 until the completion of the case to which he is assigned; *takes note* of the intention of the International Tribunal to complete the case by December 2011; and *underscores* that this exceptional authorization shall not be considered as establishing a precedent. The President of the International Tribunal shall have the responsibility to ensure that this arrangement is compatible with the independence and impartiality of the judge, does not give rise to conflicts of interest and does not delay the delivery of the judgment;

5. *Reaffirms* the necessity of trial of persons indicted by the International Tribunal and reiterates its call on all States, especially the States of the Great Lakes region, to intensify cooperation with and render all necessary assistance to the International Tribunal, and in particular *calls upon* relevant States to increase their efforts to bring Felicien Kabuga, Augustin Bizimana, Protais Mpiranya and other indictees of the International Tribunal to justice;

6. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* relevant United Nations bodies to intensify cooperation with the Secretariat and the Registrar of the International Tribunal and to take a flexible approach in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

7. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and *calls upon* other States in a position to do so to cooperate with and render all necessary assistance to the International Tribunal in the relocation of acquitted persons and convicted persons who have completed serving their sentences;

8. *Decides* to remain seized of the matter.